

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:14-CV-715-BR

WEAVER COOKE CONSTRUCTION, LLC,  
Appellant,

v.

RANDOLPH STAIR AND RAIL CO.,  
Appellee.

ORDER

This matter is before the court on Weaver Cooke Construction, LLC's ("Weaver Cooke") appeal from the 26 September 2014 order of United States Bankruptcy Judge Stephani W. Humrickhouse. In that order, the bankruptcy court granted summary judgment in favor of appellee Randolph Stair and Rail Co. on Weaver Cooke's contractual indemnity claim. In another appeal from the same underlying proceeding, the identical indemnification provisions were at issue, and this court held that, among other things, neither N.C. Gen. Stat. § 22B-1 nor the contributing negligence of other parties precluded Weaver Cooke's indemnification claim against the subcontractor. See Weaver Cooke Constr., LLC v. Stock Bldg. Supply, LLC, No. 5:14-CV-537-BR, DE # 53 (E.D.N.C. Aug. 12, 2016). The parties here have raised similar arguments to those raised in the earlier appeal, and the issues are ones of law. Accordingly, for the reasons set forth in the Stock Building Supply case, the 26 September 2014 order of the bankruptcy court is AFFIRMED IN PART, REVERSED IN PART, and REMANDED for

further proceedings.

This 15 August 2016.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt

Senior U.S. District Judge